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2 Q. Is it your testimony on the
3 basis of this note that Dr. Goodrich told
4 you that the symptoms you were
5 experiencing as of July 30, 1992 were
6 related to the surgery that Dr. Strauch
7 performed on your left hand?

8 A. That's correct.

9 Q. Did you ever discuss this
10 statement with Dr. Strauch?

11 A. I told him that I saw
12 Dr. Goodrich.

13 Q. Did you tell him --

14 A. And I told him that I was told
15 that I had some injury to the nerve, and
16 he just shut me off.

17 Q. I am sorry?

18 A. He shut me off. He doesn't want
19 to talk. He didn't want to talk about
20 that.

21 Q. Did Dr. Goodrich take any
22 pictures of your hand or your arm?

23 A. Not that I recall.

24 Q. Were you working as of July 30?

25 A. July 30, yes, I was working.

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2 Yes.

3 Q. Were you working in the same
4 capacity that you had been working since
5 before the surgery?

6 A. No. Since the surgery, I am not
7 the same person.

8 Q. Maybe it is my fault. I didn't
9 explain that, but I move to strike it as
10 nonreponsive.

11 MR. DINHOFER: It was
12 responsive. You just asked the wrong
13 question.

14 MS. ATLAS: Can we stop with the
15 gratuitous comments, please.

16 Q. As of July 30, 1992, your job
17 duties as they existed at that time, were
18 they the same as your job duties prior to
19 the surgery by Dr. Strauch?

20 A. My job duties never changed
21 because my boss never want to change it.

22 Q. So they were the same?

23 A. As I said, my job duties never
24 changed.

25 Q. Were they restricted in any

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2 way?

3 A. No. My boss told me I can
4 resign if I cannot do the job.

5 Q. From the time of the surgery up
6 until July 30, 1992, had you injured the
7 hand in any way? Had there been any
8 trauma, had you injured the hand in any
9 way from the time --

10 A. I was not --

11 Q. It is just a yes-or-no
12 question.

13 A. I said I did not hurt my hand.
14 I have got in this area, on my wrist, but
15 not here.

16 Q. I didn't hear --

17 A. I said maybe I did something
18 like that, like this (indicating). You
19 are talking about if I hurt my hand. I
20 could be hitting my -- my wrist and stuff
21 like that, but not my elbow.

22 Q. Is it your testimony that you
23 hurt your palm?

24 A. No, I did not say. I said I
25 may.

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2 Q. It is a yes-or-no question.

3 A. No.

4 Q. You said no, and then you said
5 you may have hit your palm?

6 A. I said I do not recall if I ever
7 hit my left elbow -- my hand. Put it that
8 way.

9 MR. DINHOFER: That is what
10 happens when you talk too much.

11 THE WITNESS: I know what you
12 are saying.

13 Q. Turning to the note, which is
14 the B 3, which is the last page and I
15 believe corresponds to A 2, can you read
16 that verbatim into the record, please.

17 A. January 15, 1993. Following
18 Dr. Sadair request, and this is the best
19 translation, I went to Dr. Strauch, and I
20 told him that I underwent -- I had a
21 physical examination in Israel, and I was
22 being told there that I have injury to
23 the -- on the nerve. I also told him that
24 the diagnosis was after I gave all the
25 information to the doctor in Israel that

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1
2 the pain started immediately after my
3 awokeness from surgery, and my electric --
4 the same words, Zrmim that I said before,
5 and loss of sensation in the fingers 4 and
6 5.

7 I continued and I told that the
8 doctor in Israel claiming that it is -- in
9 his opinion, the injury occur -- the
10 injury to the nerve occur at the time of
11 surgery or at the time of the closing of
12 the surgery of the wound. Dr. Strauch
13 objected to that, and said that this
14 cannot happen.

15 To his response I said, if this
16 so, so why do I have today pain that I
17 never had before up to the point -- up to
18 the moment I wake up from surgery. At
19 this moment, he took my hand and tried to
20 evaluate my hand. When he touched the
21 wounded area, which mean the elbow, I said
22 that I have pain, and then he responded
23 and asked how I dare to tell him that I
24 have pain in my elbow if the nerve not
25 there because I transpositioned the nerve

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2 from its place.

3 In this moment, I told him this
4 is not information you told me after the
5 surgery, that due to some problem during
6 the surgery you did not transport the --
7 transpose the nerve.

8 At this moment, he looks at his
9 medical record, at my medical record and
10 said that according to his medical record,
11 the nerve was transported, but based on
12 other information that he has and written
13 in his own handwriting, the nerve was not
14 transposed. He also told me with regard
15 -- that the surgical report was not being
16 dictated by him after the surgery, and he
17 does not understand why his resident wrote
18 in his -- wrote that. Wrote that. He
19 also told me that the condition of my
20 nerve, the electronic condition of my
21 nerve, is going to change and maybe will
22 take a few years. I reminded him that in
23 March the same year -- last year that he
24 told me that it will take nine months.

25 At this moment, he felt

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2 uncomfortable and started to look at the
3 EMG report from March of 1991 and claims
4 that at that time I also had problem in my
5 elbow. My response was that at that time
6 I did not have any pain. Then I did not
7 have any pain, but only because this
8 finding, he did the surgery on my elbow,
9 and why today I am suffering from pain,
10 weakness and also loss of sensation that I
11 did not have earlier before the surgery.
12 He refused to respond and asked me to
13 repeat my EMG by his friend Dr. Berger,
14 and until -- and before -- and until I am
15 not going to do this medical -- this
16 examination, he was not going to be able
17 to see me.

18 Q. Just for the record, my copy of
19 this page is cut off it looks like.

20 A. Yes, I know.

21 Q. I don't know how much is cut off
22 on the bottom.

23 A. The last line.

24 Q. Maybe we will make a copy during
25 a break or at the end.

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2 MR. DINHOFFER: Not a problem.

3 Q. Did the examination that you are
4 talking about in this note by Dr. Strauch
5 take place on January 15, 1993?

6 A. I believe so, but I am not
7 sure. I cannot testify to that.

8 Q. Could it have been much before,
9 more than a week before?

10 A. I don't think so because I did
11 it exactly after I came back to Israel,
12 and this is the same neighborhood.

13 Q. How were you referred to
14 Dr. Sadair?

15 A. I was being referred -- I was
16 looking for a doctor in Israel, and my
17 brother told me to go to him.

18 Q. What is your brother's name?

19 A. I have too many brothers. I do
20 not remember who from my brothers told me
21 that.

22 Q. Is this the same brother who
23 located the record?

24 A. I have too many brothers. I do
25 not remember who did that.

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2 Q. How many brothers do you have?

3 A. I have three brothers.

4 Q. When did you see Dr. Sadair?

5 A. I believe December 31. I cannot
6 testify to that exactly, but this is my
7 belief.

8 Q. Did Dr. Sadair ever ask you to
9 provide him with copies of your records
10 from Dr. Strauch's surgery?

11 A. I may or may not have shown him
12 the surgical report. I cannot testify to
13 that. I --

14 Q. Did you have a copy of the
15 surgical report?

16 A. I said I cannot testify to that.

17 Q. I am asking you if you ever --

18 A. I don't recall.

19 Q. Did you ever obtain a copy of
20 the surgical report from Dr. Strauch?

21 A. No, I did not -- no, I did not.
22 From Dr. Strauch himself, I never got the
23 report.

24 Q. Or his office or the hospital.

25 A. I got from the hospital. As I

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1
2 said, I do not recall if I show it to
3 Dr. Sadair. If I had before I saw
4 Dr. Sadair or after, I cannot testify to
5 that.

6 Q. Is it your testimony based on
7 this note that Dr. Sadair told you that
8 the nerve was not transposed, just so I
9 understand your note correctly?

10 A. He told me that the nerve was in
11 the same position originally -- where it
12 originally was been when I was born to his
13 opinion.

14 Q. Was that based on a physical
15 examination?

16 A. That's correct.

17 Q. Is Dr. Sadair a surgeon?

18 A. He is a neurologist.

19 Q. Had you ever seen a neurologist
20 in Israel before seeing Dr. Sadair?

21 A. No.

22 Q. For any problem?

23 A. Not that I recall.

24 Q. And is it your testimony based
25 on this note that Dr. Strauch told you

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2 that the nerve had not been transposed?

3 A. As I said before, he told me
4 that he located the nerve in the same
5 position where the nerve was when I was
6 born, meaning that the nerve was in the
7 same location.

8 MR. DINHOFER: She is asking
9 about Strauch now.

10 Q. I am asking about Dr. Strauch.

11 A. I am sorry. Repeat the
12 question.

13 Q. Is it your testimony based on
14 this note that Dr. Strauch told you that
15 the nerve had not been surgically
16 transposed?

17 A. It is correct.

18 Q. And what other information did
19 Dr. Strauch refer to when he told you
20 this?

21 A. I do not understand your
22 question.

23 Q: You said that Dr. Strauch
24 referred to other information to tell you
25 that the nerve was not transposed. What

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2 information are you talking about?

3 A. He -- this is what he say. He
4 said based on what I have in front of me,
5 the nerve was not being transposed. What
6 kind of information, I do not know.

7 Q. You don't know what he was
8 referring to?

9 A. No, I do not know.

10 Q. Is it your testimony based on
11 this note that Dr. Strauch told you that
12 the resident had incorrectly written the
13 note saying that the nerve had been
14 transposed?

15 A. As I said, he did.

16 Q. I just want to clarify the
17 note.

18 A. As I said, he told me what I
19 told you before.

20 Q. Is that a correct statement?

21 A. It is a correct statement.

22 Q. As of July 15, 1993, you had
23 complaints of pain in the wrist?

24 A. I did not say complaint in the
25 wrist. I said complaint in the elbow.

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2 Q. Was it a constant pain?

3 A. I had the pain all the time, but
4 a variety of levels.

5 Q. As of July 1993, did you have
6 any pain in the hand, any of the fingers
7 of the hand?

8 A. I do not understand your
9 question.

10 Q. As of July of 1993, when you
11 wrote this note, did you have any pain --

12 MR. DINHOFER: No, this is
13 January.

14 A. It is not July.

15 Q. I am sorry, January of 1993.

16 A. That is why I am confused.

17 Q. I am sorry. It is my error.

18 MR. DINHOFER: Let's go back to
19 the proceeding question then, too.

20 Q. I am sorry. That was my
21 misstatement. As of January of 1993, when
22 you wrote this note, did you have pain in
23 the elbow?

24 A. Yes, I had pain in my elbow.

25 Q. All right. As of January of

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2 1993 when you wrote this note, did you
3 have pain in the fingers of the hand?

4 A. Fingers of the hand.

5 Q. The left hand.

6 A. The pain I had is in my elbow.
7 That is the pain I had. Pain -- I never
8 complained about pain in my fingers. I
9 complained about pain in my elbow.

10 Q. So since the surgery by
11 Dr. Strauch up through January of 1993,
12 you never had any pain in the fingers?

13 A. When you are talking about pain
14 in my fingers, what you refer to pain in
15 my fingers?

16 Q. You described pain in your
17 elbow. Did you ever have any pain in your
18 fingers? I don't think that is any
19 different.

20 A. No, it is a difference. We are
21 talking about --

22 Q. You used the word "pain." Did
23 you ever have any pain in your fingers?
24 Did it hurt? Did your fingers ever hurt
25 since the time of the surgery on the left

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2 hand?

3 A. If my fingers hurt if when I got
4 fatigue or tired? I do not understand the
5 question. The question is not clear
6 enough, and when I am talking about my
7 elbow pain, it was special pain that I
8 had. Pain you get all the time everywhere
9 in your body, so I do not understand your
10 question. I am sorry.

11 Q. Since the time you had the
12 surgery by Dr. Strauch, you said you had
13 pain in the elbow, constant pain. Did you
14 ever have any pain in your fingers?

15 A. Put it this way: I was more
16 concerned about the pain in my elbow. I
17 was not concentrating on any other pain.
18 If I had or didn't have it, I do not
19 recall.

20 MS. ATLAS: Move to strike.

21 Q. As of January of 1993, were you
22 experiencing any pain in your wrist, the
23 left wrist?

24 A. At the time I worked.

25 Q. It is a yes-or-no question.

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2 A. Yes.

3 Q. Did you have any pain in your
4 left wrist in January of 1993?

5 A. I said when I was working.

6 Q. When you were working?

7 A. Yes, I went back to work.

8 Q. These are yes or no questions.

9 This is not a colloquy. I am just asking
10 if you complained of any pain in your left
11 wrist as of January of 1993.

12 MR. DINHOFER: He answered the
13 question.

14 Q. Is it your testimony that when
15 you worked you had pain in your left
16 wrist?

17 A. That's correct.

18 Q. Was that when you lifted
19 things?

20 A. I do not recall what I did at
21 the time.

22 Q. When you had the conversation
23 with Dr. Strauch that is referred to in
24 this note, was anybody else present
25 besides yourself and Dr. Strauch?

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2 A. No.

3 Q. At the time that you had this
4 conversation with Dr. Strauch --

5 A. Put it this way, I do not
6 recall, but I -- you asked me if somebody
7 there?

8 Q. You don't recall?

9 A. I thought no.

10 Q. As of January of 1993, were you
11 experiencing any pain in the right hand or
12 elbow?

13 A. I have a question here --

14 Q. Why don't you talk to your
15 lawyer.

16 THE WITNESS: This is not
17 relating to my notes. She is asking
18 questions about a lot of stuff not related
19 to my notes.

20 MS. ATLAS: You are talking
21 about an exam with Dr. Strauch.

22 THE WITNESS: I thought it was
23 about the translation.

24 MR. DINHOFER: She can inquire
25 about matters that flow from the notes.

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2 THE WITNESS: I have never been
3 to a deposition before.

4 MR. DINHOFER: I do not agree
5 with the judge's decision, but that is the
6 analysis I have of the order at this
7 moment.

8 Let her ask a question. Read
9 back the question.

10 (Record read.)

11 A. January 1993?

12 Q. Yes.

13 A. I do not recall.

14 MR. DINHOFER: I just want to
15 note for the record that I have explained
16 to your clerk I have a 2 o'clock court
17 appointment, and I told her that I would
18 go until 1:30. She said it would have
19 been more than enough time. At this rate,
20 I don't see that.

21 MS. ATLAS: My clerk never
22 relayed that information to me.

23 MR. DINHOFER: We moved it to 11
24 o'clock as a convenience to your office.

25 MS. ATLAS: Nobody relayed that

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2 to me. I appreciate the convenience of
3 doing it at 11 o'clock. No one ever
4 related that to me. I would have come at
5 10 o'clock if it was going to be a
6 problem. Off the record.

7 (Discussion off the record.)

8 MS. ATLAS: Back on the record.

9 Q. Did you ever write notes during
10 this time that you wrote this one on a
11 word processor or computer?

12 A. I may wrote some notes, but I do
13 not -- not related to this. I do not --
14 as I said before, sometime I did it on
15 word processor or sometime I do it in
16 handwriting.

17 Q. In 1992 and 1993, did you ever
18 write any notes on a computer or word
19 processor having anything to do with care
20 you received by Dr. Strauch?

21 A. I do not recall.

22 Q. Have you ever conducted a search
23 of any disks or anything to determine
24 whether you did write such notes?

25 A. As I said before, a lot of my

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2 stuff was damaged, so I cannot search it,
3 so I couldn't tell you.

4 Q. Have you ever conducted a search
5 for anything kept on a computer or word
6 processor that would include disks or
7 anything?

8 A. As I said, all my stuff that I
9 sent overseas got damaged, and if it is a
10 disk, I cannot put in the computer because
11 it was damaged.

12 Q. Your disks were also damaged?

13 A. It was boxes. They were also
14 damaged.

15 Q. You kept everything, even the
16 disks, in with the notes?

17 A. It was in boxes.

18 Q. Do you have any notes or any
19 disks in the United States?

20 A. I was not looking. I do not
21 know.

22 MS. ATLAS: I would ask that a
23 search be conducted.

24 MR. DINHOFFER: I would note that
25 you haven't laid a proper foundation as to

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2 that search. You don't know if any notes
3 were kept on a disk.

4 MS. ATLAS: He doesn't recall.

5 MR. DINHOFER: You jumped the
6 gun.

7 A. I said before --

8 MR. DINHOFER: Let her ask you a
9 question.

10 Q. In either 1991, 1992 or 1993,
11 did you ever write any notes on a computer
12 or a word processor with respect to any
13 aspect of your medical care, your medical
14 condition?

15 A. I do not think so. I do not
16 recall.

17 MS. ATLAS: I think that was
18 appropriate foundation.

19 MR. DINHOFER: That doesn't say
20 it was saved on a disk and then written
21 and transposed on to paper and disposed of
22 it.

23 MS. ATLAS: He doesn't know if
24 he wrote the notes.

25 MR. DINHOFER: You haven't

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2 established a foundation that a disk
3 exists.

4 Q. Do you have any disks at home at
5 the present time.

6 MR. DINHOFER: Which contain
7 notes of the care and treatment you
8 received at the time?

9 A. No.

10 Q. Have you looked for those?

11 A. If I looked for that?

12 Q. How do you know that--

13 A. Because everything that I had
14 until --

15 Q. How do you know that you have no
16 disks?

17 A. Even from 1993, whatever I had,
18 everything is in Israel, and when I went
19 to Israel, I looked for my notes, and this
20 is what I have with me.

21 Q. Is it correct then any notes or
22 any disks having to do with any aspects of
23 your medical care were sent to Israel?

24 A. What everything related to --

25 MR. DINHOFER: He didn't keep

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2 any notes. I object to the question. He
3 didn't keep any disks. I am sorry. He
4 said that already.

5 MS. ATLAS: He said everything
6 he had was sent to Israel.

7 MR. DINHOFER: He did not say
8 the word "disks." I object to your
9 question.

10 MS. ATLAS: I would request that
11 a search be conducted of any disks that
12 you have in the United States or Israel to
13 determine whether there is anything on any
14 disk or on the commuter.

15 A. I said --

16 MR. DINHOFER: You don't answer
17 her. She is asking me for something right
18 now, and I am objecting to the question
19 because it is without foundation.

20 Q. Did you ever see Dr. Berger for
21 EMGs?

22 A. Yes, I saw him only once in
23 March of 1991 or in there -- before
24 surgery.

25 Q. Did you ever see him after the

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2 time the note was written?

3 A. No. After that, I did not see
4 him.

5 Q. You described in your note
6 Dr. Berger as Dr. Strauch's friend?

7 A. This is what I was being told by
8 Dr. Strauch.

9 Q. Did he use the word friend?

10 A. Yes, he said to me go to my
11 friend.

12 Q. All right. Is it correct that
13 these are the extent of the notes that you
14 have?

15 A. I do not understand --

16 Q. The original notes that you have
17 that you produced here that we just talked
18 about.

19 A. I do not understand the
20 question.

21 Q. We just finished the notes from
22 January 15, 1993. Are these the only
23 notes that you have maintained in the
24 original that you have produced here? Do
25 you have any other original notes as to

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2 your care and treatment?

3 MR. DINHOFER: I object to the
4 form of the question.

5 A. I do not understand the
6 question.

7 MR. DINHOFER: I object to the
8 form of the question. Wait.

9 Q. Your attorney has provided me
10 with copies of other notes that have been
11 marked as Defendants' Exhibit B.

12 I will go with the first one in
13 terms of chronology of what was shown to
14 me.

15 MR. ATLAS: Do you want to show
16 him your copies and compare them and mark
17 them because he needs something to testify
18 with?

19 MR. DINHOFER: Let's compare it
20 to yours to make sure we are referring to
21 the same page and that they are in the
22 same order.

23 MR. DINHOFER: Let's take a
24 break.

25 (Recess taken.)

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2 (Defendants' Exhibit D. 1 marked
3 for identification.)

4 BY MS. ATLAS:

5 Q. Read it verbatim into the
6 record.

7 A. Friday, March 1991. I went to
8 an examination by Dr. Berger.

9 Q. I am sorry, Dr. Berger?

10 A. Berger. I asked assistant. She
11 told me that the examination did not find
12 anything special that I should be aware
13 from it, just minor changes at the area of
14 the elbow -- sorry, the wrist and elbow,
15 and that showing that I have pressure on
16 the nerve. She told me to go my treating
17 physician to get better description of the
18 situation.

19 Q. Do you want to continue with the
20 second note on the page.

21 A. February 25, 1991, I met with
22 Dr. Strauch today with regard to pain that
23 I have in my finger from my thumb to my
24 middle finger that occur after prolonged
25 working. I told Dr. Strauch that in